

MINUTES OF THE CANANDAIGUA CITY  
COUNCIL MEETING  
THURSDAY, NOVEMBER 5, 2015 7:00 P.M.  
City Council Chambers  
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 1 Nick Cutri  
Councilmember Ward 2 Ian Boni  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Cindy Wade  
Councilmember-at-Large Donna Cator  
Councilmember-at-Large James Terwilliger  
Mayor Ellen Polimeni

**Members Absent:** Councilmember-at-Large Maria Bucci  
Councilmember-at-Large David Whitcomb

**Also Present:** City Manager David R. Forrest  
Corporation Counsel Michele O. Smith  
City Clerk-Treasurer Nancy C. Abdallah  
Assistant City Manager John D. Goodwin

**Review Core Values:** Councilmember Ward 4 Wade read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

**Approval of Minutes:** No Minutes

**Recognition of Guests:** No Guests

**Committee Reports:**

**Environmental:** Councilmember Ward 1 Cutri reported that the Environmental Committee met on October 13<sup>th</sup> and discussed the following.

***SEE COMMITTEE NOTES - APPENDIX A***

1. Special Event – Chosen Ride (9/24/16)
2. Donation of Tree in Lakefront Park
3. Taxpayer Bill of Rights and Property Protection Act

**Planned Unit Development** No Meeting

**Ordinance:** Ordinance Committee had a meeting on October 20<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX B***

1. 396 Lakeshore Drive
2. Special Events – Police and DPW Coverage
3. Repeat Inspection Fees

**Finance:** Councilmember-at-Large Terwilliger reported that the Ordinance Committee met on October 29<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX C***

1. Presentation of the 2016 Recommended Budget
2. Affordable Care Act Requirements
3. Code Enforcement Car Repair
4. Muar House Proposals
5. Report from the Chamber of Commerce

**Planning:** Councilmember Ward 4 Wade reported that the Planning Committee met on October 6<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX D***

1. Special Events costs
2. Safe Bike Trail
3. Skate Park Expansion
4. Hurley Building Design Update
5. Strategic Plan Status

**Resolutions:**

**Resolution #2015-082:**

Moved: Councilmember-at-Large Cator  
Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING A SPECIAL EVENT**  
***Chosen Ride***

**WHEREAS**, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

• ***Chosen Ride***

Date: September 24, 2016

Location: Sonnenberg Gardens (begin and end)

Coordinator: Jeffrey Kowalsky

Time: 7:30 a.m. – 5:00 p.m.

Purpose: Fundraiser for Juvenile Diabetes Fund

Expected Number of Participants: 500

**WHEREAS**, this request was reviewed and approved at the October 13, 2015 Environmental Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event at the time and location listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that alcoholic beverages are not permitted to be sold or consumed on public property; and
- 3) that if the event coordinator intends to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and
- 5) that a detailed summary of all costs under the City's special event policy will be provided to the event coordinators for reimbursement.

**BE IT FURTHER RESOLVED** that the organizer of the special event shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

*The motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

***NOES:** None.*

**Resolution #2015-083:**

Moved: Councilmember Ward 2 Boni

Seconded: Councilmember Ward 3 White

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON  
AMENDMENTS TO THE ZONING ORDINANCE**

**WHEREAS**, Section 850-8 of the City of Canandaigua Municipal Code requires a public hearing on an amendment to the City's Zoning Ordinance;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing regarding the proposed zoning map amendment to reclassify a portion of C-L, "Commercial-Lakefront" and C-3, "Heavy Commercial", to C-1, "Restricted Commercial" be held during the City Council Meeting held at 7:00 p.m. on December 3, 2015 in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York; and

**BE IT FURTHER RESOLVED** that the City Clerk shall cause notice to be given and published as required by law; and

**BE IT FURTHER RESOLVED** that the Zoning Officer shall cause a copy of the proposed Ordinance #2015-008 to be forwarded to the Ontario County Planning Commission in accordance with General Municipal Law Section 239-M and with the City Planning Commission in accordance with City Code Section 850-8(B).

*Vote Result: Carried unanimously by voice vote. (7-0)*

**Resolution #2015-084:**

Moved: Councilmember Ward 3 White  
Seconded: Councilmember-at-Large Cator

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON THE CITY OF CANANDAIGUA'S PROPOSED 2016 CITY BUDGET**

**WHEREAS**, Section 14.6 of the Canandaigua City Charter requires that a public hearing be held at least two weeks prior to adoption of the annual budget; and

**WHEREAS**, the City Manager has prepared and distributed the proposed 2016 annual budget to the members of the City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing pursuant to Chapter 14.6 of the Canandaigua City Charter shall be held in the City Council Chambers, City Hall, Two North Main Street, Canandaigua, New York at 7:00 p.m. on November 19, 2015; and

**BE IT FURTHER RESOLVED** that the City Clerk shall cause notice to be given as required by Section 14.6 of the Canandaigua City Charter.

*Vote Result: Carried unanimously by voice vote. (7-0)*

**Resolution #2015-085:**

Moved: Councilmember Ward 4 Wade  
Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON LOCAL LAW #2015-01 ESTABLISHING AND IMPOSING SEWER RENTS IN THE CITY OF CANANDAIGUA**

**WHEREAS**, the City Manager has recommended an increase in sewer rents which may only be enacted through the adoption of a local law; and

**WHEREAS**, it is required that a public hearing be held prior to the adoption of a local law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing on Local Law #2015-01 shall be held in the City Council Chambers, City Hall, Two North Main Street, Canandaigua, New York beginning at 7:00 p.m. on Thursday, November 19, 2015.

*Vote Result: Carried unanimously by voice vote. (7-0)*

**Resolution #2015-086:**

Moved: Councilmember Ward 1 Cutri  
Seconded: Councilmember Ward 2 Boni

**A RESOLUTION ACCEPTING THE DONATION OF A RED OAK TREE**

**WHEREAS**, in July, Mr. Nate Pritts inquired about donating a bench, tree or another items to honor his in-laws; and

**WHEREAS**, in consideration of the removal of the Black Willow Trees in Lakefront Park, City staff asked and Mr. Pritts if he was agreeable to donating a red oak tree for the park; and

**WHEREAS**, the Environmental Committee, at its October 13<sup>th</sup> meeting, reviewed the proposed donation and voted to recommend its acceptance to the full City Council;

**BE IT RESOLVED** that the City Council hereby accepts as a donation to the City a red oak tree, and graciously thanks Mr. Nate Pritts for this generous gift to the community.

*The motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

***NOES:** None.*

**Resolution #2015-087:**

Moved: Councilmember-at-Large Terwilliger  
Seconded: Councilmember Ward 4 Wade

**A RESOLUTION TO ESTABLISH  
AFFORDABLE CARE ACT MEASUREMENT,  
ADMINISTRATIVE AND STABILITY PERIODS**

**WHEREAS**, the City of Canandaigua is subject to the federal Patient Protection and Affordable Care Act (“the Act”); and

**WHEREAS**, the Act contains obligations relating to the offering of health insurance benefits to full-time employees; and

WHEREAS, the regulations promulgated thereunder authorize employers to establish measurement, administrative, and stability periods to determine the full-time status of ongoing and new variable hour and seasonal employees; and

NOW THEREFORE, BE IT RESOLVED THAT the City of Canandaigua adopts the following measurement, administrative and stability periods for *ongoing* variable hour and seasonal employees:

A *Measurement period* of 12 months from December 1 through November 30, an *Administrative period* of 30 days from December 1 to December 31 following the measurement period, and a *Stability period* of 12 months from January 1 to December 31 following the administrative period.

BE IT FURTHER RESOLVED THAT the periods described above for ongoing employees take effect beginning with the measurement period starting on December 1, 2014.

BE IF FURTHER RESOLVED THAT the City of Canandaigua adopts the following measurement, administrative and stability periods for *new* variable hour and seasonal employees:

A *Measurement period* of 12 months that commences on the employee's start date, an *Administrative period* of 30 days following the measurement period, and a *Stability period* of 12 months following the administrative period.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.*

*NOES: None.*

**Resolution #2015-088:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AMENDING THE  
GENERAL FUND – CODE ENFORCEMENT BUDGET**

**WHEREAS**, as part of the 2015 budget discussions, it was determined that Code Enforcement Officers would utilized vehicles removed from service from other departments to perform their duties and responsibilities; and

**WHEREAS**, one of these vehicles recently experienced mechanical and tire issues which require replacement of two tires and the steering shaft for a total cost of \$500; and

**WHEREAS**, there are not existing funds within the Code Enforcement Department that can be utilized for these repairs and City staff recommends a budget amendment to appropriate \$500 from the budget contingency; and

**WHEREAS**, the budget amendment was reviewed at the October 29, 2015 Finance Committee meeting and received committee approval;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes a budget amendment to the 2015 General Fund Code Enforcement budget in the amount of \$500 from the Contingency budget.

*The motion CARRIED UNANIMOUSLY on the following vote:*

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Boni, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Cator, Councilmember-at-Large Terwilliger and Mayor Polimeni.

**NOES:** None.

**Ordinance:**

**Ordinance #2015-008:**

Councilmember Ward 2 Boni read the following Ordinance and placed it on the table.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE:  
ARTICLE V: ESTABLISHMENTS OF ZONE DISTRICTS**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

- Sec. 1. Section § 850-22 “Zoning Map” shall be amended as attached.
- A. The C-3 zone located at the south-east corner of the map shall be rezoned to C-1 “Restricted Commercial District”; and
- B. The adjacent C-L zone located at the south-east corner of the map shall be rezoned to C-1 “Restricted Commercial District”
- Sec. 2. This ordinance shall be effective thirty (30) days following its enactment.

**Ordinance #2015-009:**

Councilmember-at-Large Terwilliger read the following Ordinance and placed it on the table.

**AN ORDINANCE AMENDING  
CHAPTER 714 OF THE MUNICIPAL CODE,  
"CONSTRUCTION CODES, UNIFORM" TO CLARIFY APPLICATION OF REPEAT  
INSPECTION FEES**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

**Sec. 1** That chapter 714 of the Municipal Code, is hereby amended as follows:  
[deletions stricken, additions underlined]

§ 714-7	Duties and powers of Code Enforcement Officer.
	<p>A. Enforcement Officer. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the Code Enforcement Officer shall administer and enforce all of the provisions of laws, ordinances, rules and regulations applicable to the plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein, and the location, use and occupancy thereof.</p> <p>(1) The Code Enforcement Officer shall have the following powers and duties:</p> <ul style="list-style-type: none"><li>(a) To promulgate rules and regulations subject to the approval of the Director of Public Safety to secure the intent and purposes of this article and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs;</li><li>(b) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;</li><li>(c) Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;</li><li>(d) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this article;</li><li>(e) To issue stop-work orders;</li><li>(f) To review and investigate written complaints;</li><li>(g) To issue orders pursuant to §714-8A (Enforcement procedures) of this article;</li><li>(h) To maintain records;</li><li>(i) To collect fees as set by the City Council;</li><li>(j) To pursue administrative enforcement actions and proceedings;</li><li>(k) In consultation with this City's Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this article; and</li><li>(l) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this article.</li></ul> <p>(2) Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules and regulations covering building construction or alteration, the Code Enforcement Officers may, in his discretion, accept and rely upon written reports of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service and inspection bureaus or agencies.</p>



**B. Repeat inspection fees.**

(1) In addition to all other applicable fees established by City Council, whenever the Code Enforcement Officer has notified a property owner in writing of any violation of the Municipal Code, the New York State Uniform Fire Prevention and Building Code, the Minimum Housing Standards or any other appropriate law, and within two years of that written notification a subsequent notice of violation or order of violation is issued to the same property owner for a violation of the same code or standard then a repeat inspection fee may be assessed for each subsequent notice of violation or order of violation that is sent to the property owner by the Code Enforcement Officer by certified mail.

**(2) This fee shall not be applicable:**

**(a) When other inspection fees for service are being applied; and/or**

**(b) To Fire Inspections performed under Article III of this Chapter.**

(3) The responsibility for payment of the repeat inspection fee shall rest with the owner of record. Failure to pay the fee shall result in imposition and foreclosure of a lien on the property. Unpaid inspection fees shall become and be a lien upon the real property and shall be added to and become a part of the taxes next to be assessed and levied upon such property and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

**§ 714-23 Abatement of violation.**

A. Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct, or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

B. Repeat Inspection Fees (1) Whenever the Code Enforcement Officer has notified a property owner in writing of any violation of the New York State Uniform Fire Prevention and Building Code or any other appropriate law, and within two years of that written notification a subsequent notice of violation or order of violation is issued to the same property owner for a violation of the same code or standard then a repeat inspection fee may be assessed for each subsequent notice of violation or order of violation that is sent to the property owner by the Code Enforcement Officer by certified mail.

**(2) This fee shall not be applicable:**

**(a) When other inspection fees for service are being applied; and/or**

**(b) To Fire Inspections performed under Article III of this Chapter.**

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**Local Law:**

**Local Law #2015-001:**

Councilmember Ward 4 Wade read the following Local Law and placed it on the table.

## **A LOCAL LAW ESTABLISHING AND IMPOSING SEWER RENTS IN THE CITY OF CANANDAIGUA**

### **Section 1. Statement of Policy.**

As a means of producing revenue for operation and maintenance of the sewer system of the City of Canandaigua, it is necessary to establish and impose charges for the use of said system, or to any portion of said system. This sewer rent is enacted pursuant to Article 14-F of the General Municipal Law of the State of New York.

### **Section 2. Definitions**

- a. "Sewer System" - The sewer system of the City of Canandaigua includes all sewer pipes and other appurtenances which are used or are useful in connection with the collection, treatment, or disposal of sewage, industrial waste, and other wastes which are owned, operated or maintained by the City of Canandaigua, including sewage pumping stations and sewage treatment and disposal works and private on-site wastewater disposal, if any.
- b. "Part" - As used in relation to the term "sewer system" - all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, any sewage treatment and disposal works, and private on-site wastewater disposal systems, each part with necessary appurtenances including pumping systems.
- c. The terms "sewage", "industrial wastes", and "other waste" shall have meanings as set forth in Section 451 of the General Municipal law, as the same may be amended from time to time.

### **Section 3. Basis for Sewer Rent Computation**

- a. Sewer rent charges shall be based either (1) upon the consumption of water on the premises connected with and served by the sewer system, or any part or parts thereof, or (2) upon the basis of actual discharge to the sewer system. Such actual discharge shall be based upon the measurement of an actual flow measuring device recording the actual flow of sewage to the sewer system.
- b. No user may elect to pay sewer rent charges on the basis of actual discharge unless a flow measuring device and control manhole have been installed and approved by the Director of Public Works. Such approval of the flow measuring device and control manhole shall be based upon measuring devices shall be subject to periodic inspection, testing, and reading by the Director of Public Works. The cost of installation, maintenance and testing of the flow measuring device and control manhole shall be borne solely by the system user.
- c. Sewer rent charges shall be \$4.20 per 1,000 gallons of (a) water consumption or (b) measured sewer discharge during the period for which any statement is rendered, provided, however, that the minimum quarterly charge shall be \$47.04

### **Section 4. Payment Dates; Penalties; And Enforcement.**

- a. Billing of sewer rents shall be quarterly with bills due on the 1st day of the month in which the bill is mailed. Each bill shall be for the preceding quarter.
- b. Payment of the sewer rents shall be made within 20 days of rendering of the bill without penalty (or the next business day if the 20th falls on a weekend or holiday).

- c. Any payment received 20 days after billing shall accrue a 15% penalty of the amount due. Bills are considered rendered upon mailing.
- d. In April of each year, the amounts of all past due bills from the preceding year, plus penalties, shall be certified by the City Clerk/Treasurer and shall be collected and enforced in the same manner and at the same time as provided by law for the collection and enforcement of City taxes.

**Section 5. Sewer Rent Fund.**

- a. Revenues derived from sewer rents, including penalties, shall be credited to a special fund for the sewer system, to be known as the "City of Canandaigua Sewer Fund." Monies in such fund shall be used in the following order:

(1) For the payment of the costs of operation, maintenance, and repairs of the sewer system or such part or parts thereof for which sewer rents have been established and imposed.

(2) For the payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of sewage treatment and disposal works with necessary appurtenances including pumping stations, or for the extension, enlargement, or replacement of, or addition to, such sewer system, or part or parts thereof.

(3) For transportation charges imposed by any other municipality or entity for the transport of sewage via such other municipalities sewer mains, interceptors or lines.

- b. Such revenues from sewer rents shall not be used (1) to finance the cost of any extension or any part of a sewer system (other than any sewage treatment or disposal works with necessary appurtenances including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of the real property especially benefited, or (2) for the payment of the interest on, and the amortization or payment of, indebtedness which is to be paid in the first instance from assessments upon the benefited real property.

**Section 6. Amendments**

Any amendments to or other action taken affecting such sewer rents shall be accomplished in the same manner as provided in Article 14-F of the General Municipal Law for the original establishment of sewer rents.

**Section 7. Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.

**Manager's Report:** City Manager David R. Forrest gave the following report:

- City Leaf program has started for the month of November. Please do not rake your leaves into the street but leave them on the curb between the sidewalk and the street. You can refer to the City website to see where DPW is picking up leaves.
- The multiple street project is wrapping up for the season. Scotland Rd is almost complete while Hubble, Dungan and Brook St. will shut down for the season and be completed in the spring.

**Miscellaneous:**

- Councilmember-at-Large Terwilliger reminded residents that the budget workshop schedule and the proposed budget are on the City's website.
- Councilmember Ward 3 White reminded residents that the recycling schedule is also on line at the City's website and to remind everyone that it is not picked up every week.

**Executive Session:**

Councilmember Ward 4 Wade moved to close the regular meeting to go into Executive Session at 7:45 PM to discuss pending litigation. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0)*

**Regular Session:**

Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 8:23 PM. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0).*

**Adjournment**

Councilmember Ward 4 Wade moved to adjourn the regular session at 8:23 PM. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0).*

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Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua

**APPENDIX A**  
**ENVIRONMENTAL COMMITTEE**  
**Tuesday, October 13, 2015**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** Nick Cutri, Chair; Maria Bucci, Donna Cator, Karen White

**Other Council Members:** Mayor Ellen Polimeni; Jim Terwilliger

**Staff:** David Forrest; John D. Goodwin; Jim Sprague

**Meeting called to order at 7:00 PM**

**1. Special Event – Chosen Ride (9/24/16)**

- a. Nick Cutri asked Jeff Kowalsky to speak regarding the application
  - i. Jeff stated that the event was a bike ride around Canandaigua Lake starting and ending at Sonnenberg Gardens for the benefit of the Juvenile Diabetes Research Foundation (JDRF) on September 24, 2016.
- b. Maria Bucci asked why Jeff requested that the \$50 fee be waived
  - i. Jeff stated that the event was for a non-profit charity.
  - ii. The Committee stated that most of the events that take place in the City are for non-profits and that the fee will not be waived.
- c. Motion to approve the event made by Maria Bucci, 2<sup>nd</sup> by Karen White. Motion approved via 4-0 vote

**2. Donation of Tree in Lakefront Park**

- a. John Goodwin discussed a proposal from a Mr. Nate Pritts to donate a tree in honor of his in-laws. The donation conforms to the City's guidelines for erecting monuments and memorials.
- b. Motion to approve the donation made by Maria Bucci, 2<sup>nd</sup> by Karen White. Motion approved via 4-0 vote.

**3. Taxpayer Bill of Rights and Property Protection Act – Mike Yarger's Proposal**

- a. The Mayor opened discussion by handing out several articles that she had researched regarding Mike's proposal. The articles included:
  - Columbus Residents Submit Over 13,000 Signatures to Advance a Community Bill of Rights (Community Environmental Legal Defense Fund, July 1, 2014)
  - Miami, Dade County, Florida – Code of Ordinances – Citizens' Bill of Rights
  - Louisville, Kentucky – Citizen's Bill of Rights
  - Roles and Responsibilities (MRSC Local Government Success)
  - The Role of Local Elected Officials in Economic Development (National League of Cities)
- b. Mike Yarger spoke to his proposal and asked Council to draft an ordinance that included:

**APPENDIX A**  
**ENVIRONMENTAL COMMITTEE**  
**(Continued)**

- No tax breaks for residential or condominium developments
  - No use of Eminent Domain for economic development purposes.
  - No PILOTS or PIFS without financial projections, a public financial disclosure showing the true cost to taxpayers and anticipated payback period.
  - Electronic Freedom of Information filing
  - Minutes of all committee meetings posted and available for public review
  - Limit the County IDA from providing tax breaks without City approval.
  - No effect on brownfield tax credits.
- c. The Committee discussed the items:
- i. Concerns were raised about tying the hands of future City Councils and whether these proposals were worth the Council's time discussing
  - ii. Concerns were raised that decisions regarding tax breaks, eminent domain, PILOTS and/or PIFs should be made based on the proposals and facts before the Council.
  - iii. It was the general consensus that a discussion on citizen's rights in regard to transparency, public comments and participation was worth discussing, but that the City did a pretty good job in trying to communicate and engage the community.

**Meeting adjourned at 8:36PM via motion by Donna Cator, 2<sup>nd</sup> by Karen White.**

**APPENDIX B**  
**ORDINANCE COMMITTEE**  
**Thursday, October 20, 2015**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** David Whitcomb, Chair ; Maria Bucci; Ian Boni **Absent:** Jim Terwilliger

**Other Council members:** Mayor Ellen Polimeni; Nick Cutri; Karen White; Cindy Wade

**Staff:** David Forrest, John Goodwin, Jon Welch, Michele Smith

1. 396 Lakeshore Drive - John Hallack would like uses to be expanded to include professional offices, including attorneys, real estate, and others.

Cindy indicated that after requesting additional information that Rick Brown suggested that both the C-L and C-3 in the north-east corner of city map should be rezoned as C-1, neighborhood commercial. Dave Forrest confirmed that.

Motion to amend zoning ordinance by Ian as discussed, 2nd by Maria. Vote 3-0 Also need public hearing resolution and referral to Ont. Cnty. Planning Board and City Planning Commission

2. Special Events – Police and DPW Coverage -Jon Welch addressed the concerns raised by Taryn Windham (1/2 marathon) regarding costs associated with race coverage; thought they were exorbitant.

Chief and Jim Sprague believed it is essential that intersections be manned for optimum safety and reduced liability. Could possibly use barricades that are manned by volunteers (who do not direct any traffic).

Maria and Ian believe that safety should be City's first priority. Karen does not believe the City should be subsidizing these events. Nick thinks we have spent way too much time on this since we already just addressed this in August and are still implementing

Jon indicated that part of difference for Twilight 5k was that Taryn said she would have fire police that didn't show up on race day.

Committee willing to allow staff to try these alternative measures to reduce costs but maintain safety.

Try it this way for the next year - new routes, everything that was just discussed in August. Otherwise no action.

3. Repeat Inspection Fees - Dave summarized issues that have come up with respect to the Fire Dept. Seeking guidance as to whether Council intended the repeat inspection fee to be applied after a property has passed inspection. Affirmatively "No".

Do you want double charge of fee and repeat inspection. NO!!

Dave will issue directive until ordinance changed.

Motion to amend ordinance by Ian, 2nd by Maria. Vote 3-0.

Motion for executive session to discuss medical history of particular person made by Ian, 2nd by Maria. Vote 3-0

Motion to adjourn at 8:25 made by Ian, 2nd by Maria. Vote 3-0

**APPENDIX C**  
**FINANCE COMMITTEE**  
**Thursday, October 29, 2015**  
**7:00 p.m.**

**Hurley Building Conference Room**

**Committee:** James Terwilliger, Chairman; Cindy Wade; Karen White; Donna Cator

**Other Council members:** Mayor Ellen Polimeni; Nick Cutri, David Whitcomb, Ian Boni

**Staff:** David Forrest, John Goodwin, Michele Smith, Nancy Abdallah, Rick Brown

1. Presentation of 2016 Recommended Budget - Nancy Abdallah

First budget workshop is next Wed., the 4th, dinner at 5:30, business at 6:00.

2. Affordable Care Act Requirements - Nancy Abdallah need to define our measurement periods for determining eligibility under the ACA. Just defining the City's current practices. A broker has been doing the tracking and reporting at no additional cost.

Motion made by Karen, 2nd by Donna. Vote 3-1 (Wade absent as absent for discussion)

3. Code Enforcement Car Repair

Motion to allocate contingency funds to repair CEO vehicle made by Cindy, 2nd by Karen. Vote 4-0

4. Muar House Proposals- City requested proposals for use of Muar House and received 2 responses.

Twisted Rail submitted a proposal for a micro-brew on site. Owner was present to address proposal and answer any questions. May need to make some changes to shed area out back to support brewery. Rent of \$1100/ month plus taxes (currently \$833), up to \$2000 total in initial 3 yr. Term. (current lease was for \$1300 plus taxes)

Ian Boni disclosed that in the future he may be involved in this business so he will be recusing himself from any discussion or votes.

Sarah Genecco proposed to add full commercial kitchen and then pay rent of \$2400/year to operate full restaurant.

Motion to accept Twisted Rail proposal made by Karen, 2nd by Cindy.

5. Report from Chamber of Commerce - Thomas Lyons and Alison Grems, Randy Farnworth provided powerpoint presentation of their accomplishments in the last 3 years under the City contract. Also addressed their plans for moving forward with economic development.

Executive session for employment history of particular corporation for purposes of employment, motion made @ 8:15 by Cindy, 2nd by Donna. Vote 4-0

Motion to adjourn executive session @ 9:05 made by Karen, 2nd by Cindy. Vote 4-0



**APPENDIX D**  
**PLANNING COMMITTEE**  
**Thursday, October 6, 2015**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** Cindy Wade, Chair; Nick Cutri; Ian Boni; David Whitcomb;

**Other Council members:** Mayor Ellen Polimeni; Jim Terwilliger; Donna Cator; Karen White; Maria Bucci

**Staff:** David Forrest; John D. Goodwin; James Sprague; Jon Welch

**Meeting called to order at 7:00 PM**

**1. Special Events – Road Races/5K Races**

- a. The item was added to the agenda by the Chair.
- b. Taryn Windheim organizes several races that take place in the City and expressed her concern that the costs charged by the City have increased this year. Taryn believes that the races will not be held in the City and that the costs are excessive.
- c. Jim Terwilliger expressed his concerns that the City was discouraging these events with the additional costs and that the events add to the quality of life in the City.
- d. Dave Forrest and Jon Welch informed the Committee that the additional costs are related to safety concerns at intersection and necessary to protect the runners.
  - i. Chief Welch also informed the Committee that NYS Law prohibits volunteers from controlling traffic.
- e. The Committee asked staff for examples of races, the traffic control plans, estimated costs and the actual costs for a future discussion.

**2. Safe Bike Trails**

- a. The Item was added to the agenda by the Chair.
- b. Gladys ??? asked the Committee why the trail along the rail path from Gibson Street to Buffalo Street was not completed and what can be done to provide a safe bicycle path from Canandaigua to Victor.
  - i. Mayor Polimeni explained that the trail did not receive support from the Canandaigua City School Board of Education and that the grant that the City had been awarded for the trail had to be given back.
  - ii. The Committee recommended that Gladys contact the Board of Education and Ontario County Pathways.
  - iii. The Committee suggested that the sidewalks along Route 332 be used.

**3. Skate Park Expansion**

- a. This item was added to the agenda by the Chair.
- b. Zach Wysong and several other young men requested that the City consider expanding the skate park.
  - i. The group stated that the skate park is very popular and gets overcrowded and causes injury or prevents younger skaters/bikers from participating.

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PLANNING COMMITTEE  
(Continued)**

- c. Several Council members expressed support for expanding the park, but asked for a plan from the group with estimated costs.
  - d. The Committee asked the group to provide a plan for the City's consideration including potential funding sources.
- 4. **Hurley Building Design Update**
  - a. Representatives from hbr Architects presented their proposed design for renovations and additions to the Hurley Building with a budgeted cost of \$3,848,000.
    - i. The costs did not include other ancillary costs for other site work that would be required to complete the plan. Jim Sprague will provide the site plan and the associated costs.
  - b. John Goodwin stated that the project is planned to be combined with a planned City Hall project and would be bonded.
    - i. In order to fit the costs into the Debt Service Fund without increasing the appropriation, the next road reconstruction project scheduled for 2020 would need to be canceled (the next road reconstruction project is scheduled for 2024).
- 5. **Strategic Plan Status**
  - a. Cindy reviewed the status of the goals outlined in the Strategic Plan

**Meeting adjourned at 8:59 PM**